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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,019	11/03/2003	William P. Delaney	LSI.82US01 (03-1233)	5855

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LSI LOGIC CORPORATION
1621 BARBER LANE
MS: D-106
MILPITAS, CA 95035

EXAMINER
SCHNEIDER, JOSHUA D

ART UNIT	PAPER NUMBER
2182	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 January 2007*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-21* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 1/19/2007 have been fully considered but they are not

persuasive.

2.   Applicant response to the previous action requires new rejections that raise some similar

issues to previous amendments. The limitations do not have any apparent support in the original

specification for the purpose of showing possession of the invention or for enabling one of skill

in the art to understand what is being claimed. It is unclear how the command can be changed to

be component specific, but not be changed in a component dependent fashion. New rejections

are therefore set forth below.

Specification

3.   The specification is objected to as failing to provide proper antecedent basis for the

claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the

following is required: there is no way to properly interpret the scope of the claim limitations to

component specific commands to said component **without component-dependent changes**, as

there is no antecedent basis in the specification for this language. The claims should be brought

into compliance by amending the language to that of the specification.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

5.   Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

6.   With regards to claims 1, 8, and 15, it is also unclear why or how component specific

commands are not commands **with component-dependent changes**. It would seem that the

added component specific commands are inherently component dependent. It is also unclear

what is the limitation "without component dependent changes" is modifying. In other words, it

is not clear what is not being changed as a result of this limitation. As a result of this lack of

clarity, there is no interpretation of the new limitation of the claim that is logically valid, and as a

result no new art rejection will be given in light of the new limitation. The claim will be

interpreted as if this new limitation just send to the claim directly after creating the command.

7.   Claims 2-7, 9-14, and 16-21 are rejected for incorporating the same indefinite subject

matter of the independent claims from which they depend.

8.   All further rejections and objections are made in light of the specification as best

understood in view of the previous objections and rejections.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10.   Claims 1, 2, 4-6, 8, 9, 11-13, 15, 16, and 18-20 are rejected under 35 U.S.C. 102(e) as

being anticipated by U.S. Patent Application Publication 2003/0217358 to Thurston et al.

11.   With regards to claims 1, 8, and 15, Thurston teaches packaging a communication

sequence into a script by a method comprising (paragraph 29), providing said communication

sequence that is a specific set of actions and action data (paragraphs 34-39); for each of said

actions, creating an action header comprising an action code and one or more component specific

commands (paragraphs 40-43), and creating an action payload comprising zero or more of said

action data; transmitting said script to said controller (paragraphs 34-39); and communicating to

said component of said system by running said script by said controller by a method comprising:

providing said script to said controller (paragraphs 35-39); and for each of said action headers,

executing a command corresponding to said action code (paragraphs 35-39 and 19-52),

transmitting said one or more component specific commands directly to said component

(paragraphs 35-39 and 19-52), and transmitting said zero or more of said action data from said

action payload to said component (paragraphs 35-39 and 19-52). Thurston teaches, by silence

that no translation is occurring at the time of execution.

12.   With regards to claims 2, 9, and 16, Thurston teaches said packaging of said

communication is performed by a first computer system that is separate from said system

controlled by said controller (paragraphs 27-29).

13.   With regards to claims 4, 11, and 18, Thurston teaches said method of packing said

communication sequence further comprises: creating a header for said script (paragraphs 40-43),

said header comprising an identifier describing the specific component for which said script is

intended (paragraphs 40-43); and said method of communicating to said component of said

system by running said script by said controller further comprises, determining a descriptor of

said component (paragraphs 40-43), comparing said descriptor of said component to said

identifier contained within said header of said script (paragraphs 40-43).

14.   With regards to claims 5, 12, and 19, Thurston teaches said method of packing said

communication sequence further comprises: creating a header for said script (paragraphs 40-44),

said header comprising a compatibility list comprising one or more applicable revisions of

firmware on said specific component for which said script is applicable (paragraphs 44-47); and

said method of communicating to said component of said system by running said script by said

controller further comprises: determining a current firmware revision of said component;

comparing said current firmware revision to said compatibility list contained within said header

of said script (paragraphs 44-47).

15.   With regards to claims 6, 13, and 20, Thurston teaches said component is a hard disk

drive (paragraph 27).

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

17.   Claims 3, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Application Publication 2003/0217358 to Thurston et al. in further view of U.S. Patent

6,789,157 to Lilja et al.

18.   With regards to claims 3, 10, and 17, Thurston teaches said method of packing said

communication sequence further comprises: creating a header for said script (paragraphs 40-43),

said header comprising a checksum (paragraph 42); and said method of communicating to said

component further comprises: reading said header of said script (paragraph 53), computing a

computed checksum of said script (paragraph 53), comparing said computed checksum to said

checksum contained within said header of said script (paragraph 53). Thurston fails to teach a

CRC. Lilja teaches that using a firmware update with a CRC instead of a checksum. It would

have been obvious to one of ordinary skill in the art at the time of invention to substitute the use

of CRC of Lilja for the checksum of Thurston in order to more completely check whether the

firmware has been corrupted during transmission.

19.   Claims 7, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Application Publication 2003/0217358 to Thurston et al. in further view of U.S. Patent

Application Publication 2002/0166027 to Shirasawa et al.

20.   With regards to claims 7, 14, and 21, Thurston fails to teach the firmware update script

package being used to update a RAID controller. Shirasawa teaches said controller is a RAID

controller (paragraphs 8 and 9). It would have been obvious to one of ordinary skill in the art at

the time of invention to use the firmware update script package of Thurston for updating RAID

firmware as taught by Shirasawa in order to homogenize the ability of each of the hard disk units

to increase process speed and decrease error occurrence.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Schneider whose telephone number is (571) 272-4158. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDS

KIM HUYNH
SUPERVISORY PATENT EXAMINER

2/26/07